

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

## CIVIL MINUTES - GENERAL

Case No. CV 13-8503 FMO (JCGx) Date February 6, 2014Title Dr. Robert V. Justice v. United States of AmericaPresent: The Honorable Fernando M. Olguin, United States District JudgeVanessa Figueroa NoneDeputy Clerk Court Reporter / Recorder Tape No.Attorney Present for Plaintiff(s): None Present Attorney Present for Defendant(s):None Present**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal**

Plaintiff filed a Complaint in this court on November 18, 2013. On February 3, 2014, defendant filed a Notice of Plaintiff's Status as a Vexatious Litigant and Failure to Comply with Injunction Prohibiting Plaintiff's Filing of New Civil Lawsuits ("Notice"), bringing to the court's attention a July 22, 2003 order by the Southern District of California declaring plaintiff a vexatious litigant and enjoining him from filing new civil actions without complying with particular requirements set forth in that order. (See Notice, Exh. C (Robert Volney; Justice v. Superior Court of San Diego, North County Division, et al., Case No. CV 03-1036-J (POR) (S.D. Cal. July 22, 2003 Order) ("Vexatious Litigant Order").

The Vexatious Litigant Order enjoined plaintiff from filing any new civil actions in any federal court of the United States, without first obtaining leave of that court. (See Vexatious Litigant Order at 10). It further delineated that "[i]n order to obtain leave from . . . any . . . federal court, [plaintiff] must lodge with the Clerk of the Court: a. a motion for leave to file a new complaint, with the motion captioned 'Application for Leave to File Pursuant to Injunctive Order Entered in Case No. 03cv1036-J (POR)'; b. the new complaint; c. a copy of [the Vexatious Litigant Order]; [and] d. a sworn affidavit or declaration" regarding the proposed new action. (*Id.* at 10-11). The Vexatious Litigant Order remains binding on plaintiff, as the Southern District Court denied plaintiff's motion to dissolve the order on September 19, 2007 (see Notice at Exh. E (Volney, Case No. CV 03-1036-J (POR) (September 19, 2007 Order), which was affirmed by the Ninth Circuit on July 7, 2009. (See *id.* at Exh. F).

The record in this case shows that plaintiff did not comply with any of the requirements set forth in the Vexatious Litigant Order.

Accordingly, IT IS ORDERED that:

1. No later than **February 17, 2014**, plaintiff shall show cause in writing why this action should not be dismissed for failure to comply with the Vexatious Litigant Order issued by the Southern District Court on July 22, 2003. Failure to submit a response by the deadline set forth

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above may be deemed as consent to the dismissal of the action without prejudice.

2. A copy of all papers filed with the court shall be delivered to the drop box outside chambers at Suite 520, Spring Street Courthouse, 312 North Spring Street, **no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document formatting requirements of Local Rule 11-3, including the "backing" requirements of Local Rule 11-3.5. Plaintiff may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

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Initials of Preparer

vdr